

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Western National Mutual Ins. Co. as
subrogee of Matthew Eberhardt,

Civil No. 16CV00150 DSD/FLN

Plaintiff,

vs.

**PLAINTIFF'S RULE 26(a)(1)
INITIAL DISCLOSURES**

Daesung Celtic Enersys Co., Ltd., fka
Daesung Celtic Co., LTd., a foreign
corporation, Challenger Supply Holdings,
Inc., a foreign corporation, and Quietside
Corporation, a foreign corporation,

Defendants.

Plaintiff Western National Ins. Co., as subrogee of Matthew Eberhardt, makes its initial disclosure pursuant to the Federal Rules of Civil Procedure. The following disclosures are based on the information reasonably available to Western National Mutual Ins. Co. as of the date of this disclosure.

Western National Mutual Ins. Co. makes no claim that the following initial disclosures constitute a full disclosure of all persons having knowledge or of all potentially relevant documents. Further investigation, research and analysis may supply additional information that may lead to additions or changes to this disclosure. Western National Mutual Ins. Co. reserves the right to supplement this disclosure pursuant to Fed. R. Civ. P. 26(e) upon discovery of additional information or to the extent that any of the defendants asserts, clarifies, modifies or otherwise develops additional theories or defenses. Western National Mutual Ins. Co. reserves all objections to discoverability, relevance, admissibility and all other objections available to it.

These disclosures should be deemed amended and supplemented to include all admissible evidence in the parties' responses to written discovery requests, all admissible deposition testimony and all admissible documents that are produced in discovery.

INITIAL DISCLOSURES

- (i) **The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;**

**Matthew and Kelly Eberhardt
130 South Webster Street
Kasota, MN 56050
Phone: 651-307-3908**

Mr. and Mrs. Eberhardt have knowledge regarding the use, and maintenance of the product, along with information regarding the fire and damages.

**Western National Mutual Insurance Company
Brett Benz – General Adjuster
5350 West 78th Street
Edina, MN 55439
Phone: 800-862-6070**

Mr. Benz is the assigned adjuster on the claim and has knowledge of the claims adjustment process and damages.

Travis Hunzeker

Mr. Hunzeker would have knowledge regarding the residence prior to Eberhardt's purchase of the property.

**Representatives of Daesung Celtic Enersys Co. Ltd.
13919 Artesia Blvd
Cerritos, CA 90703**

Representatives of Daesung Celtic would have knowledge regarding the design, manufacturing, marketing, distributing, recalls, testing, and sale of the product.

**Representatives of Challenger Supply Holdings, Inc.
4500 Mercantile Plaza Drive, #300
Fort Worth, TX 76137**

Representatives of Challenger Supply would have knowledge regarding the distribution, sale and any recalls of the product.

Representatives of Quietside Corp.
8750 Pioneer Blvd
Santa Fe Springs, CA 90670

Representatives of Quietside would have knowledge regarding the distribution, sale, and any recalls of the product.

Representatives of Nicollet County Sheriff's Department
121 West Myrtle Street
St. Peter, MN 56082
Phone: 507-931-1570

Representatives from the Nicollet County Sheriff's Department would have knowledge regarding the fire and loss sustained by Plaintiff.

Representatives of American Red Cross
105 Homestead Road
Mankato, MN 56001
Phone: 507-387-6664

Representatives of American Red Cross would have knowledge regarding the fire and loss sustained by Plaintiff.

State Fire Marshal
Ron Rahman – Investigator
444 Cedar Street, Suite 145
St. Paul, MN 55101
Phone: 612-716-1654

Mr. Rahman would have knowledge regarding the cause and origin of the fire.

Dahl & Associates, Inc.
Peter Dahl
P.O. Box 579
Chanhassen, MN 55317

Mr. Dahl would have knowledge of the fire loss and professional opinions on the origin and cause of the fire.

Duane A. Wolf Engineering, PC
Duane Wolf
212 Airport Road
Ames, IA 50010

Mr. Wolf would have knowledge of the fire loss and professional opinions on the origin, cause, and mechanical engineering aspects of the fire.

MSD Engineering
Mark Svare – Forensic Engineer
P.O. Box 517
Anoka, MN 55303

Mr. Svare would have knowledge of the fire loss and professional opinions on the origin, cause and electrical engineering aspects of the fire.

Summit Adjusting Services, Inc.
Dave Nilles
1687 Woodlane Drive, Suite 212
Woodbury, MN 55125
Phone: 651-731-6355

Mr. Nilles would have knowledge regarding damages caused by fire loss and repair efforts.

Legacy Services Corporation
Tom Eler
6390 McKinley Street N.W., Suite #120
Ramsey, MN 55303
763-712-5656 ext. 206

Mr. Eler would have knowledge regarding damages caused by the fire loss and repair efforts.

Donny and Brittany Carmon
130 South Webster Street
Kasota, MN 56050

Mr. and Mrs. Carmon would have knowledge regarding their lease agreement with the Eberhardt's, the fire and loss sustained.

- (ii) **A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;**

Damages Summary bates-labeled EB 000001 – EB 000196.

Summit Adjusting Reports and Photos bates-labeled EB 000197 – EB 000285.

Legacy Services Corporation Reports bates-labeled EB 000286 – EB 000346.

Photos bates-labeled EB 000347 – EB 000500.

Manual Photos from Peter Dahl bates-labeled EB 000501 – EB 000554.

Photos from Peter Dahl bates-labeled EB 000555 – EB 000560.
Residential Tenancy Agreement bates-labeled EB 000561 – EB 000569.
U.S. Consumer Product Safety Documents bates-labeled EB 000570 – EB 000726.

- (iii) **A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and**

Plaintiff has attached a copy of the damage summary bates-labeled EB 000001 – EB 000196. Plaintiff's damages total \$410,904.02.

- (iv) **For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

Not applicable.

**BORGELT, POWELL, PETERSON
& FRAUEN S.C.**

Dated: April 11, 2016

By: 

Kevin J. Kennedy (#193872)

Forrest G. Hopper (#0389417)

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Oakdale, MN 55128

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